REMARKS

Summary of the Amendment

Upon entry of the above amendment, claims 117 will have been amended to address a minor informality. Accordingly, claims 98 – 131 currently remain pending.

Summary of the Official Action

In the instant Office Action, the Examiner has rejected claims 98 – 113 over the applied art of record. By the present amendment and remarks, Applicants submit that the rejections have been overcome, and respectfully request reconsideration of the outstanding Office Action and allowance of the present application.

Amendment is Proper for Entry

Applicants submit that, as the pending amendment to claim 117 has been presented to address a minor grammatical informality, no new issues are raised in entering the pending amendment. Further, as this amendment results this portion of independent claim 117 more closely corresponding to the similar language recited in independent claim 98, the Examiner has already considered the merits of this claim language, such that entry is proper.

Traversal of Rejection Under 35 U.S.C. § 102(e)

Applicants traverse the rejection of claims 98 – 131 under 35 U.S.C. § 102(e) as being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as being obvious over KINNUNEN (U.S. Patent No. 6,413,369) as evidenced by JAAKKOLA et al. (U.S. Patent No. 5,759,353) [hereinafter "JAAKKOLA"] or PULLINEN (U.S. Patent No. 5,423,978). The Examiner asserts that KINNUNEN shows all of the claimed features, but further asserts that the use of forming

shoes by KINNUNEN is only implicitly disclosed. Alternatively, the Examiner alleges that the use of such forming shoes would have been obvious in view of JAAKKOLA or PULLINEN. Applicants traverse the Examiner's assertions.

Applicants note that the KINNUNEN was filed in the U.S. on December 15, 2000 claiming the priority of U.S. Provisional Application No. 60/171,974 filed December 23, 1999. Applicants further note that the pending application claims priority of German Application No. 199 03 943.9 filed January 28, 1999. Accordingly, Applicants submit herewith a verified translation of German priority application number 199 03 943.9 in order to perfect their claim of priority to the German application filing date of January 28, 1999.

As the German priority application provides support for the subject matter recited in the pending claims, Applicants submit that KINNUNEN is not prior art against the pending application under 35 U.S.C. § 102. Further, as the cited art of KINNUNEN is not prior art under 35 U.S.C. § 102, Applicants submit that KINNUNEN cannot be used against the claims in a rejection under 35 U.S.C. § 103(a).

Because KINNUNEN is not prior art against the claims, Applicants submit that the pending rejections of claims under 35 U.S.C. § 102(e) or 35 U.S.C. § 103(a) are both moot. Therefore, Applicants request that the Examiner reconsider and withdraw the rejection of claims 98 – 131 under 35 U.S.C. § 102(e)/103(a) and indicate that these claims are allowable over the applied art of record.

Traversal of Rejection Under 35 U.S.C. § 135(b)(1)

Applicants traverse the rejection of claims 98 – 131 under 35 U.S.C. § 135(b)(1) as not being made prior to one year from the date on which KINNUNEN was granted. The Examiner is

alleging that the pending claims are for the same or substantially the same subject matter as the claims of KINNUNEN, but that as the one year date for copying claims for purposes of an interference has elapsed, these claims cannot be made.

Applicants note that independent claim 98 recites, *inter alia*, *starting immediately from the forming roll, the twin-wire zone runs downwards in such a manner that the forming shoe rests on the upper dewatering belt.* Further, Applicants' independent claim 117 recites, *inter alia*, *starting immediately from the forming roll, leading the at least two layers in the twin-wire zone downward and in such a manner the forming shoe rests on the upper dewatering belt.*

Applicants note that the above-noted features of the pending claims are neither recited in the claims of KINNUNEN nor even described in KINNUNEN's disclosure. In particular, Applicants note that, while KINNUNEN discloses drainage members and vacuum transfer means are arranged adjacent to or along the upper belt, there are no claims directed to positioning a forming shoe (or any other element) *to rest on the upper dewatering belt*, nor are there any disclosure related to positioning a forming shoe (or any other element) *to rest on the upper dewatering belt*, as recited in Applicants' independent claims. Thus, Applicants submit that the pending claims are not for the same or substantially the same subject matter as the claims of KINNUNEN, such that the Examiner's rejection under 35 U.S.C. § 135(b)(1) is in error and should be withdrawn.

Accordingly, Applicants request that the Examiner reconsider and withdraw the rejection of claims 98 – 131 under 35 U.S.C. § 135(b)(1) and indicate that these claims are allowable in the next official communication to the undersigned.

Application is Allowable

Thus, Applicants respectfully submit that each and every pending claim of the present invention meets the requirements for patentability under 35 U.S.C. §§ 102 and 103, and respectfully request the Examiner to indicate allowance of each and every pending claim of the present invention.

Authorization to Charge Deposit Account

If for any reason a check including the amount for any necessary fees is not associated with this file, the undersigned authorizes the charging of any necessary fees, including any extensions of time fees required to place the application in condition for allowance by Examiner's Amendment, to Deposit Account No. 19 - 0089 in order to maintain pendency of this application.

CONCLUSION

In view of the foregoing, it is submitted that none of the references of record, either taken alone or in any proper combination thereof, anticipate or render obvious the Applicants' invention, as recited in each of claims 98 – 131.

Further, any amendments to the claims which have been made in this response and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Accordingly, reconsideration of the outstanding Office Action and allowance of the present application and all the claims therein are respectfully requested and now believed to be appropriate.

Respectfully submitted,
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